

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003742-6

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): ALLEN et al.

Confirmation No.: 4766

Application No.: 10/654,223

Examiner: STEWART, C.W. JR

Filing Date: Sep 3, 2003

Group Art Unit: 2853

Title: IMAGE FORMING APPARATUS HAVING POSITION SENSING DEVICE

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

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TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Terminal Disclaimer (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$88	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$300	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$430.00	3RD MONTH \$980.00	4TH MONTH \$1530.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number (703) 872-9306 on Nov 9, 2004
Number of pages: 5

Typed Name: Colette M. Angle

Signature: Colette M Angle

ALLEN et al.

By

Peter Reitan

Attorney/Agent for Applicant(s)
Reg. No. 48,603

Date: Nov 9, 2004

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Alexandria, VA 22313-1450

TERMINAL DISCLAIMER
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,652,061 to Hewlett-Packard Development Company, L.P. which issued on 11/25/2003 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TERMINAL DISCLAIMER - DOUBLE PATENTING
(continued)ATTORNEY DOCKET NO. 10003742-6

Please charge the required fee set forth in 37 CFR 1.20(d) of \$110.00 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

(Note: An attorney or agent of record must sign this document.)

- () I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.
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- (X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number on (703) 872-8308 11/11/04

Number of pages: 2

Typed Name: Colette M. Angle

Signature: Colette M. Angle

Respectfully submitted,

ALLEN et al.

By Dmitry Millkovsky

Dmitry Millkovsky

Attorney/Agent for Applicant(s)

Reg. No. 41,999

Date: 11/10/04

Telephone No.: (858) 655-3251

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ALLEN et al.) Art Unit: 2853
Serial No. 10/654,223) Examiner: STEWART, C W, Jr.
Filed: September 3, 2003)
For: IMAGE FORMING APPARATUS)
HAVING POSITION SENSING)
DEVICE)

RESPONSE AND TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response is made in response to an Office Action mailed
OCTOBER 22, 2004. A terminal disclaimer is filed herewith.

Amendments to the Specification: None.

Amendments to the Claims: None.

Amendments to the Drawings: None.

Remarks/Arguments begin on page 2 of this paper.

Ser. No. 10/654,223

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10003742-6

REMARKS/ARGUMENTS

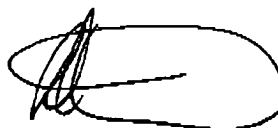
In an Office Action mailed October 22, 2004, the Examiner rejected claims 1-40 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-24 of US 6,652,061 (Allen).

A terminal disclaimer is filed herewith under 37 CFR 1.321. Applicants respectfully submit that the rejections of claims 1-40 are moot in light of the terminal disclaimer.

CONCLUSION

For the reasons set out above, Applicants respectfully request that the Examiner withdraw the rejections and allow claims 1-40.

Respectfully submitted,



Peter Reitan
Registration No. 48,603

Dated: 11/9/04

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